



Ontario Provincial Police
Police provinciale de l'Ontario

Critical Infrastructure and Highways – O. Reg. 71/22

Officer Reference Document

Declaration of Emergency under the Emergency Management and Civil Protections Act.

On February 11, 2022, the Premier of Ontario declared a province wide emergency as a result of interference with transportation infrastructure and other critical infrastructure that is occurring across the province, which is preventing the movement of people and the delivery of essential goods and services.

An Emergency Order in connection with the declared emergency came into effect 12 Feb 2022.

Highlights of the Ontario Regulation. (Please refer to the All Chiefs Memo 22-0017 and Ontario Regulation 71/22 for all the details)

The emergency order prohibits the interference with critical infrastructure which is defined as:

- 400-series highways;
- airports;
- canals;
- hospitals;
- infrastructure for the supply of utilities such as water, gas, sanitation, and telecommunications;
- international and interprovincial bridges and crossings;
- locations where COVID-19 vaccinations are administered;
- ports;
- power generation and transmission facilities
- railways

Under this emergency order, **no person shall:**

- prevent someone from travelling to or from critical infrastructure;
- prevent the ordinary use of critical infrastructure;
- cause either of the above to occur, whether directly or indirectly;
- assist an individual to knowingly help them do anything above, including providing supplies, fuel, or other materials; or
- prevent someone from travelling to or from walkways, bridges, and highways (other than 400-series highways, which are already captured as “critical infrastructure”), or prevent the ordinary use of them, if doing so would:
 - prevent the delivery of essential goods or services,
 - severely disrupt ordinary economic activity, or
 - seriously interfere with the safety, health, or well-being of members of the public

Enforcement of Order

The order gives police officers and other provincial offences officers the power to do the following when they have reasonable grounds to believe that an individual is not complying with the requirements listed above:

- order the individual to stop contravening the emergency order;
- if there is more than one individual, order the individuals to disperse;

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- order the individual to remove any object the individual used to contravene the order (e.g., a motor vehicle), whether the object was put there before or after this emergency order came into effect; or
- remove the object if the individual refuses to remove the object

The order requires a person to comply with any of the above orders issued by provincial offences officers. The order also gives the MTO and provincial offences officers the power to order owners or operators of vehicles contravening the order to remove their vehicles, requires the owners and operators to comply, and permits the removal of the vehicles if they don't comply.

Penalties

For offences under the EMCPA, individuals can either be issued a ticket for a set fine amount or be served with a summons under Part I of the Provincial Offences Act (POA), or have an information laid under Part III of the POA, in which case the court would impose a penalty upon conviction – subject to the maximum penalty of a fine of not more than \$100,000 and not more than one (1) year imprisonment.

- Fail to comply with an order: \$750
- Obstruct any person exercising a power in accordance with an order: \$1,000
- Obstruct any person performing a duty in accordance with an order: \$1,000.

The **Emergency Order does not create an arrest authority**.

Officers must consider the totality of the circumstances to determine if a Criminal Code authority exists, for example Criminal Code Section 430(1) Mischief or Obstruct Police Section 129. Section 33 (3) HTA, Failure to Identify - also sets out arrest authorities.

RMS has been updated to reflect new charges and the eTicketing application is now available for Part I enforcement of this regulation.

Note: when issuing a Provincial Offence Notice, ensure that the CVOR # is added if applicable.

Schedule 4.0.1				
<i>Emergency Management and Civil Protection Act</i>				
Item	Offence	Section	Set Fine	Total Payable
1.	Individual — fail to comply with an order made during a declared emergency	7.0.11 (1)	\$750.00	\$880.00
2.	Corporation — fail to comply with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00
3.	Obstruct any person exercising a power in accordance with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00
4.	Obstruct any person performing a duty in accordance with an order made during a declared emergency	7.0.11 (1)	\$1,000.00	\$1130.00

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Suspension and/or Cancellations of Licenses, Plates and Commercial Registration

Effective February 12, 2022, the following permissions may be suspended or cancelled by the MTO in accordance with the emergency order:

- Commercial Vehicle Operator's Registration (CVOR) certificates;
- Drivers Licences (DL) (whether Ontario licences or out of province licences); and
- Commercial and Passenger Vehicle plates.

The Regulation also provides new processes to suspend and/or cancel Licenses, Plates and Commercial Registrations by accessing and completing the [Emergency Order Form Submission](#) of the Emergency Order Form triggers the MTO to suspend/investigate the licence, CVOR and driver.

The Drivers Licence(s) and plates shall be seized in accordance with S.6 (5) O. Reg. 71/22. **No entry is required in SIMS** when acting under the authority of this Regulation. Ontario driver's licences and non-commercial plates are to be returned to the Ministry. Reinstatements will be conducted through ServiceOntario offices, as per usual.

All commercial plates and permits (Ontario and out of province) once seized shall be either given to the local Transportation Enforcement Officer embedded in OPP operations or sent to:

Carrier Sanctions and Investigations Office
301 St Paul Street, 3rd Floor
St Catharines, Ontario
L2R 7R4

Direct the carrier to the Ministry contact address above to obtain information on the status of their permit and licencing at the end of the suspension.